

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2008-194

**NANCY JEAN HOCKENBERRY,
a.k.a. NANCY JEAN WHELTON**

2457 N. Raven Circle
Mesa, AZ 85207

Registered Nurse License No. 332175

Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 3, 2008

IT IS SO ORDERED this June 3, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 083047
Supervising Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 327-6819
6 Facsimile: (916) 324-5567

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-194

12 **NANCY JEAN HOCKENBERRY,**
a.k.a NANCY JEAN WHELTON
2457 N. Raven Circle
13 Mesa, AZ 85207

STIPULATED SURRENDER
OF LICENSE AND ORDER

14 Registered Nurse License No. RN 332175,

15 Respondent.
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Arthur D. Taggart, Supervising Deputy Attorney General.

24 2. Nancy Jean Hockenberry a.k.a. Nancy Jean Whelton (Respondent) is
25 representing herself in this proceeding and has chosen not to exercise her right to be represented
26 by counsel.

27 3. On or about September 30, 1981, the Board of Registered Nursing issued
28 Registered Nurse License No. RN 332175 to Nancy Jean Hockenberry a.k.a. Nancy Jean

1 Whelton (Respondent). The license was in full force and effect at all times relevant to the
2 charges brought in Accusation No. 2008-194, and will expire on November 30, 2008, unless
3 renewed.

4 **JURISDICTION**

5 4. Accusation No. 2008-194 was filed before the Board of Registered
6 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
7 The Accusation and all other statutorily required documents were properly served on Respondent
8 on January 15, 2008. Respondent timely filed her Notice of Defense contesting the Accusation.
9 A copy of Accusation No. 2008-194 is attached as exhibit A and incorporated herein by
10 reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations
13 in Accusation No. 2008-194. Respondent also has carefully read, and understands the effects of
14 this Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
17 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
18 the right to present evidence and to testify on her own behalf; the right to the issuance of
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in
26 Accusation No. 2008-194, agrees that cause exists for discipline and hereby surrenders her
27 Registered Nurse License No. RN 332175 for the Board's formal acceptance.

28 ///

1 9. Respondent understands that by signing this stipulation she enables the
2 Board to issue an order accepting the surrender of her Registered Nurse License without further
3 process.

4 **CONTINGENCY**

5 10. This stipulation shall be subject to approval by the Board of Registered
6 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
7 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
8 and surrender, without notice to or participation by Respondent. By signing the stipulation,
9 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
10 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
11 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
12 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
13 between the parties, and the Board shall not be disqualified from further action by having
14 considered this matter.

15 **OTHER MATTERS**

16 11. The parties understand and agree that facsimile copies of this Stipulated
17 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
18 and effect as the originals.

19 12. In consideration of the foregoing admissions and stipulations, the parties
20 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
21 following Order:

22 **ORDER**

23 IT IS HEREBY ORDERED that Registered Nurse License No. RN 332175,
24 issued to Respondent Nancy Jean Hockenberry a.k.a. Nancy Jean Whelton, is surrendered and
25 accepted by the Board of Registered Nursing.

26 1. The surrender of Respondent's Registered Nurse License and the
27 acceptance of the surrendered license by the Board shall constitute the imposition of discipline

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against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both her wall and pocket license certificate on or before the effective date of the Board's Decision and Order.

4. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2008-194 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of Two Hundred Ninety-Two Dollars (\$292.00). Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

6. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2008-194 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

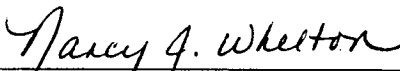
7. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I understand that I have the right to retain private counsel at my own expense. I have chosen to represent myself in this proceeding. I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered

1 Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily,
2 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
3 Registered Nursing.

4 DATED: 3/13/08.

5
6 
7 NANCY JEAN HOCKENBERRY
8 a.k.a. NANCY JEAN WHELTON
9 Respondent

10 **ENDORSEMENT**

11
12 The foregoing Stipulated Surrender of License and Order is hereby respectfully
13 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
14 Affairs.

15
16 DATED: March 24, 2008

17
18 EDMUND G. BROWN JR., Attorney General
19 of the State of California

20 ALFREDO TERRAZAS
21 Senior Assistant Attorney General

22 

23 ARTHUR D. TAGGART
24 Supervising Deputy Attorney General

25 Attorneys for Complainant

26 DOJ Matter ID: 03579110SA2007102557

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
4 California Department of Justice
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2008-194

13 **NANCY JEAN HOCKENBERRY, AKA**
14 **NANCY JEAN WHELTON**
2457 N. Raven Circle
Mesa, AZ 85207

A C C U S A T I O N

15 Registered Nurse License No. 332175
16

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about September 30, 1981, the Board issued Registered Nurse
24 License Number 332175 to Nancy Jean Hockenberry, also known as Nancy Jean Whelton
25 ("Respondent"). The registered nurse license will expire on November 30, 2008, unless renewed.

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1 to: Nancy Jean Whelton (attached hereto as **Exhibit A**), the Arizona State Board of Nursing
2 revoked Respondent's Professional Nurse License No. RN106268.

3 **PRAYER**

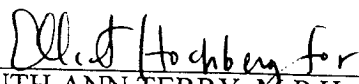
4 **WHEREFORE**, Complainant requests that a hearing be held on the matters
5 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 332175, issued
7 to Nancy Jean Hockenberry, also known as Nancy Jean Whelton;

8 2. Ordering Nancy Jean Hockenberry, also known as Nancy Jean Whelton, to
9 pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of
10 this case, pursuant to Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 12/18/07

14
15 
16 RUTH ANN TERRY, M.P.H., R.N.
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant

22 03579110-SA2007102557

23 Whelton.Acc.wpd

24 bc [11-20-2007]

EXHIBIT A

*In the Matter of Professional Nurse License No. RN106268
issued to: Nancy Jean Whelton*

1 **ARIZONA STATE BOARD OF NURSING**
2 **4747 North 7th Street Ste 200**
3 **Phoenix AZ 85014**
 602-889-5150

4 IN THE MATTER OF PROFESSIONAL
5 NURSE LICENSE NO. RN106268
6 ISSUED TO:

7 **NANCY JEAN WHELTON,**

8 Respondent.

**FINDINGS OF FACT,
 CONCLUSIONS OF LAW
 AND ORDER NO. 06A-0607048-NUR**

9
10 On May 16, 2007, the Arizona State Board of Nursing ("Board") considered the State's Motion
11 to Deem Allegations Admitted and Respondent's Response to the Motion, if any, at the Arizona Board
12 of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014. Ann Olson, Assistant Attorney
13 General, appeared on behalf of the State. Nancy Jean Whelton ("Respondent") appeared on her own
14 behalf.
15

16 On March 26, 2007, the Board granted the State's Motion to Deem Allegations Admitted.
17 Based upon A.R.S. § 32-1664(I) and the Complaint and Notice of Hearing No. 06A-0607048-NUR
18 filed in this matter, the Board adopts the following Findings of Fact and Conclusions of Law, and
19 **REVOKES** Respondent's license.
20

21 **FINDINGS OF FACT**

22 1. The Arizona State Board of Nursing ("Board") has the authority to regulate and control
23 the practice of nursing in the State of Arizona, pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664.
24 The Board also has the authority to impose disciplinary sanctions against the holders of nursing
25 licenses/nursing assistant certificates for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -
26 1667.
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1 2. Respondent holds Board issued professional nurse license no. RN106268, in the State
2 of Arizona.

3 3. On or about June 17, 2003, Respondent entered into Consent Agreement and Order No.
4 0007082 (Attached as Exhibit A and incorporated by reference herein) for indefinite suspension
5 pending completion of twenty-four consecutive months of compliance, followed by thirty-six months
6 standard probation with terms and conditions. The terms and conditions, in part, required Respondent
7 complete a relapse prevention evaluation, enroll and complete rehabilitation and aftercare, attend
8 weekly nurse recovery group and AA/NA meetings, and submit monthly urine drug screens.
9

10 4. Respondent has not completed a relapse prevention evaluation as required by Consent
11 Agreement and Order No. 0007082.
12

13 5. Respondent has not completed a rehabilitation program as required by Consent
14 Agreement and Order No. 0007082.
15

16 6. Respondent has not completed an aftercare program as required by Consent Agreement
17 and Order No. 0007082.
18

19 7. Respondent has not attended weekly nurse recovery group meetings as required by
20 Consent Agreement and Order no. 0007082.

21 8. Respondent has not attended weekly AA/NA meetings as required by Consent
22 Agreement and Order no. 0007082.
23

24 9. On or about June 30, 2006, Respondent failed to submit a urine drug screen as required
25 by Consent Agreement and Order No. 0007082.

26 10. On or about July 13, 2006, Respondent failed to submit a urine drug screen as required
27 by Consent Agreement and Order No. 0007082.
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29

1 11. On or about August 9, 2006, Respondent failed to submit a urine drug screen as
2 required by Consent Agreement and Order No. 0007082.

3 12. On or about August 22, 2006, Respondent failed to submit a urine drug screen as
4 required by Consent Agreement and Order No. 0007082.

5 13. On or about August 24, 2006, Respondent failed to submit a urine drug screen as
6 required by Consent Agreement and Order No. 0007082.

7 14. On or about September 13, 2006, Respondent failed to submit a urine drug screen as
8 required by Consent Agreement and Order No. 0007082.

9 15. On or about September 18, 2006, Respondent failed to submit a urine drug screen as
10 required by Consent Agreement and Order No. 0007082.

11 16. On or about September 23, 2006, Respondent failed to submit a urine drug screen as
12 required by Consent Agreement and Order No. 0007082.

13 17. On or about October 4, 2006, Respondent failed to submit a urine drug screen as
14 required by Consent Agreement and Order No. 0007082.

15 18. On or about October 19, 2006, Respondent failed to submit a urine drug screen as
16 required by Consent Agreement and Order No. 0007082.

17 19. On or about November 10, 2006, Respondent failed to submit a urine drug screen as
18 required by Consent Agreement and Order No. 0007082.

19 20. On or about November 21, 2006, Respondent failed to submit a urine drug screen as
20 required by Consent Agreement and Order No. 0007082.

21 21. On or about December 13, 2006, Respondent failed to submit a urine drug screen as
22 required by Consent Agreement and Order No. 0007082.

1 22. On or about January 16, 2007, Respondent failed to submit a urine drug screen as
2 required by Consent Agreement and Order No. 0007082.

3 23. On or about January 24, 2007, Respondent failed to submit a urine drug screen as
4 required by Consent Agreement and Order No. 0007082.

5 24. On or about February 1, 2007, Respondent failed to submit a urine drug screen as
6 required by Consent Agreement and Order No. 0007082.

7 25. On or about February 5, 2007, Respondent failed to submit a urine drug screen as
8 required by Consent Agreement and Order No. 0007082.

9 26. On or about March 13, 2007, Respondent failed to submit a urine drug screen as
10 required by Consent Agreement and Order No. 0007082.

11 27. On or about March 16, 2007, Respondent failed to submit a urine drug screen as
12 required by Consent Agreement and Order No. 0007082.

13 28. Respondent failed to submit a quarterly self-report, for the nurse not working in
14 nursing, for the quarter related to May, June and July, 2006, as required by Consent Agreement and
15 Order No. 0007082.

16 29. Respondent failed to provide a quarterly self-report, for the nurse not working in
17 nursing, for the quarter related to August, September and October, 2006, as required by Consent
18 Agreement and Order No. 0007082.

19 30. Respondent failed to provide a quarterly self-report, for the nurse not working in
20 nursing, for the quarter related to November and December, 2006, and January, 2007, as required by
21 Consent Agreement and Order No. 0007082.

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CONCLUSIONS OF LAW

1. The conduct and circumstances alleged in the Findings of Fact constitute violations of A.R.S. § 32-1663(D), as defined in A.R.S. § 32-1601(16)(i).

2. The conduct and circumstances described in the Findings of Fact constitute unprofessional conduct pursuant to A.R.S. § 32-1601(16)(i), (failing to comply with a stipulated agreement, consent agreement or board order), and is grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664.

ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

Pursuant to A.R.S. § 32-1664(N), the Board **REVOKES** professional nurse license number RN106268 issued to Nancy Jean Whelton.

Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing or review within 30 days after service of this decision with the Arizona State Board of Nursing. The motion for rehearing or review shall be made to the attention of Susan Barber, R.N., M.S.N., Arizona State Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014. For answers to questions regarding a rehearing, contact Susan Barber at (602) 889-5161. Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing or review within 30 days after service of this decision, Respondent shall be prohibited from seeking judicial review of this decision.

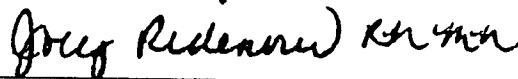
This decision is effective upon expiration of the time for filing a request for rehearing or review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.

1 Respondent may apply for reinstatement of the said license pursuant to A.A.C. R4-19-404 after
2 a period of five years.

3 DATED 16th day of May, 2007.

4 ARIZONA STATE BOARD OF NURSING

5 SEAL

6
7 

8 _____
9 Joey Ridenour, R.N., M.N.
10 Executive Director

11 COPIES mailed this 25th day of May, 2007, by Certified Mail No. 7001 1940 0003 4512 2157 and First
12 Class Mail to:

13 Nancy Whelton
14 2457 N Raven Circle
15 Mesa AZ 85207

16 COPIES of the foregoing mailed this 25th day of May, 2007, to:

17 Ann Olson
18 Assistant Attorney General
19 1275 W. Washington, LES Section
20 Phoenix, AZ 85007

21 By: Vicky Driver
22
23
24
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BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PROFESSIONAL NURSE)
LICENSE NO.: RN106268)
ISSUED TO:)
NANCY JEAN WHELTON,)
RESPONDENT.)

**CONSENT AGREEMENT
AND ORDER NO: 0007082**

CONSENT AGREEMENT

A complaint charging Nancy Jean Whelton (hereinafter "Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing (hereinafter "Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter:

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent is the holder of professional nurse license number RN106268.
2. On or about August 9, 2001, Respondent entered into a Consent Agreement for 18-months Probation with terms and conditions (Attached is Exhibit A and incorporated herein reference).
3. From on or about October 2000 to on or about August 17, 2001, Respondent was employed at Desert Samaritan Medical Center (DSMC).

EXHIBIT A

4. On or about August 20, 2001, Board staff was informed by Desert Samaritan Medical Center that Respondent was terminated from her position because her urine drug screen was "positive" for Demerol. Respondent failed to provide proof of prescription for Demerol to either DSMC or the Board.

5. On or about September 14, 2001, November 21, 2001, January 20, 2002, and February 14, 2002, Respondent was notified via written correspondence to submit to random urine drug screens at minimum twice a month for testing positive for Demerol and not providing proof of prescription. Respondent failed to provide proof of enrollment in any urine drug-screening program.

6. As required by paragraph 7 of the Consent Agreement, Respondent failed to submit in a timely manner, performance evaluations/self-reports for the quarter ending September 2001 and December 2001. Self-reports for those quarters were received on or about March 20, 2002.

7. As required by paragraph 15 of the Consent Agreement, Respondent failed to provide in writing, her change of address and telephone number to her permanent residence within seven days of the change.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. §§ 32-1663 (D) as defined in 32-1601(14)(d), (i) and (j), and A.A.C. R4-19-403(12), (13) and (25).

3. The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against the license of Respondent to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 11 of Terms of Suspension and Paragraph 17 of Terms of Probation of the Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and Respondent. The effective date is the date the Consent Agreement

is signed by the Board and Respondent. If the Consent Agreement is signed on the later date is the effective date.

RECEIVED A.S.B.N.
JUN 19 PM 12:51

X Nancy J. Whelton
Respondent
X Dated: 6/17/03

ARIZONA STATE BOARD OF NURSING

Joey Ridenour
Joey Ridenour, R.N., M.N.
Executive Director

Dated: April 19, 2002

BARBER/Whelton, Nancy, RN106268

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

- A. Respondent's consent to the terms and conditions of the Order and waiver of public hearing are accepted.
- B. Respondent's license is placed on suspension for an indefinite period of time pending completion of 24 consecutive months of compliance with the terms followed then by 36 months standard chemical dependency probation.
- C. This Order becomes effective upon the Board and the Respondent's acceptance of the Consent Agreement. The effective date is the date the Consent Agreement is

signed by the Board and the Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

D. The suspension is subject to the following terms and conditions:

TERMS OF SUSPENSION

1. Surrender of License

Respondent agrees to immediately surrender Respondent's license to the Board and will not practice nursing for an indefinite period and pending the completion of twenty-four consecutive months of compliance with all of the terms of suspension.

2. Relapse Prevention Evaluation

Prior to the termination of the Suspension, Respondent shall be evaluated by a Board approved relapse prevention therapist. Prior to the evaluation, Respondent shall provide a complete copy of the Findings of Fact, Conclusions of Law and the Order, and the relapse prevention therapist shall verify receipt of the Order in writing in a report on letterhead to the Board. Respondent shall execute the appropriate release of information forms, to allow the evaluator to communicate with the Board or its designee. The report from the relapse prevention evaluator should include a history of substance abuse, past treatment, present status of recovery and participation in recovery activities, and recommendations for on-going treatment. Respondent will complete all recommendations as recommended by the relapse prevention evaluator, and the Board reserves the right to amend the Order based on the recommendations of the relapse prevention therapist.

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the

recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board in writing verifying enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information with the Board or it's designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the program. During participation in the program Respondent shall cause the program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule, for the remainder of the probationary period or verification of successful completion of the program.

3. Rehabilitation Program

Prior to the completion of Suspension, Respondent shall enter and is required to successfully complete a State licensed chemical dependency rehabilitation program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of Respondent's entry, participation and progress in and discharge or termination from the program. At the completion of the program, Respondent shall cause the program director to provide the Board with documentation concerning Respondent's completion of the program and recommendations and arrangements for appropriate follow-up.

4. Aftercare Program

Within one week of the completion of the rehabilitation program, Respondent shall enter and must successfully complete a state licensed chemical rehabilitation aftercare program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of Respondent's entry into the program. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in the program, as well as discharge or termination from the program. Such reports are due beginning on the first quarterly reporting date after entry into the program and quarterly thereafter according to schedule, for the remainder of the probationary period or until completion of the aftercare program.

5. Nurse Recovery Group

Prior to the completion of suspension, Respondent shall enroll in a Board acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall participate weekly in a Nurse Recovery Group, for a consecutive period of no less than twenty-four months, and Respondent's participation shall be satisfactory as evidenced by no documented "unexcused" absences. Respondent shall immediately execute the appropriate release of information form allowing the group facilitator to inform the Board of Respondent's entry into the group. Respondent shall also cause the group facilitator to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory weekly attendance and participation in the group, as well as discharge from the group. Such reports are due beginning thirty days after entry into the group and quarterly thereafter according to schedule for the remainder of the Order.

////

6. Participation in AA/NA

(a) Prior to the completion of suspension, Respondent shall participate at least weekly, for a consecutive period of no less than twenty-four months, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall provide to the Board, in writing on Board-approved forms, quarterly reports which are initialed by his/her sponsor. The first report is due commencing the month after the effective date of this Order and quarterly thereafter.

(b) Prior to the completion of suspension, if participating in a twelve-step program, and for a consecutive period of no less than twenty-four months, Respondent shall obtain and maintain a permanent sponsor.

7. Drug Testing

Prior to the completion of Suspension, Respondent shall enroll in a program, which meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of once per month, for a consecutive period of no less than twenty-four months, and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug;

submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board.

8. Abstain from Alcohol Use

Respondent shall completely abstain from the use of alcohol. Violation of this paragraph is noncompliance with the Order.

9. Abstain from Drug Use

Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Violation of this paragraph is noncompliance with the Order.

10. Drug Use Exception

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized. Within 7 days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent's history of substance use, awareness of Respondent's Consent

Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of information form(s) as required by the Board or its designee so that Respondent's medical providers shall be able to communicate information with the Board. Prior to receiving treatment from any other medical provider(s), Respondent shall notify the medical provider(s) of Respondent's history of substance use and of the existence of the Order. DURING THE COURSE OF THE ORDER RESPONDENT SHALL CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS OF RESPONDENT'S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a controlled substance, Respondent shall cause her prescribing provider to provide monthly reports to the Board regarding the continued need for the prescribed narcotic or mood-altering medications within 7 days of the 30th day of each month. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Such report from the provider shall be received by the Board within 14 days of the request. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee. Failure to comply with the provisions of this paragraph shall be considered as noncompliance with terms of the Order.

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11. Violation of Suspension

If Respondent violates suspension in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke Respondent's license or take other disciplinary action. If a complaint is filed against Respondent during suspension, the Board shall have continuing jurisdiction until the matter is final, and the period of suspension shall be extended until the matter is final.

12. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

13. Completion of Suspension

Following successful completion of relapse/recovery evaluation, and 24 months consecutive compliance and all recommendations made by the evaluator to be completed prior to completion of suspension, Respondent shall be placed on probation for 36 months. Respondent shall work as a professional nurse for a minimum of twelve months with six of these months being continuous employment (not less than sixteen hours a week) subject to the following terms and conditions:

STIPULATIONS APPLICABLE TO SUSPENSION AND PROBATION

1. Renewal of License

In the event the license is scheduled to expire during the period of suspension or probation, Respondent shall apply for renewal of the license, pay the applicable fee and otherwise maintain qualification to practice nursing in Arizona.

2. Release of Information Forms

Respondent shall immediately execute all release of information forms as may be required by the Board or its designee.

3. Interview With the Board or Its Designee

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

4. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within one week of any change in nursing employment, personal address or telephone number.

5. Obey All Laws

Respondent shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Respondent to further disciplinary action, however, commission of minor civil traffic violations are excluded.

6. Costs

Respondent shall bear all costs of complying with this Order.

TERMS OF PROBATION

1. Stamping of License

Upon successful completion of the terms of suspension, as determined by the Board or its designee, Respondent shall be issued a license stamped "PROBATION." While

this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "Probation."

2. Relapse Prevention Evaluation

Eighteen months prior to the termination of the Order or as requested by the Board or its designee, Respondent shall be evaluated by a certified relapse prevention therapist, and, if recommended by the therapist, Respondent shall enter, participate regularly and successfully complete a relapse prevention program, or any other recommendations as designated by the relapse prevention evaluator.~

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board in writing verifying enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order, and Exhibit A, to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information with the Board or its designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the program. During participation in the program Respondent shall cause the program ~~facilitator~~ to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into the relapse prevention program

and quarterly thereafter, according to schedule, for the remainder of the probationary period or verification of successful completion of the program. Failure to comply with stipulations of paragraph shall be considered as non-compliance with the Consent Agreement.

3. Nurse Recovery Group

Throughout the term of this Order, Respondent shall continue and participate weekly in a Board acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall execute the appropriate release of information form allowing the group facilitator to inform the Board of Respondent's entry into the group. Respondent shall also cause the group facilitator to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory weekly attendance and participation in the group, as well as discharge from the group. The nurse recovery group facilitator files such reports each month. If the facilitator documents an "unexcused" absence for Respondent that shall be considered as non-compliance with the consent agreement.

4. Participation in AA/NA

(a) Throughout the term of this Order, Respondent shall participate at least weekly, or as recommended by the rehabilitation program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initiated by their sponsor. The first report is due commencing the first quarterly reporting date after the effective date of the consent agreement and quarterly thereafter according to the assigned reporting dates.

(b) Throughout the term of this Order, Respondent shall obtain a temporary sponsor if participating in a twelve-step program and a permanent sponsor within 60-90 days of

the effective date of the Order. Respondent shall maintain a sponsor relationship throughout the terms of this Order. Failure to comply with stipulations as enumerated in sections (a) and (b) is noncompliance with the Order.

5. Drug Testing

Throughout the term of this Order, Respondent shall enroll in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of once per month and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. In addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug test on a day when a drug test has been requested by either the Board, its designee, or the laboratory; and submission of a urine sample that is below the acceptable volume or temperature to be tested. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board, and is noncompliance with the Order.

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6. Abstain from Alcohol Use

Respondent shall completely abstain from the use of alcohol. Violation of this paragraph is noncompliance with the Order.

7. Abstain from Drug Use

Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Violation of this paragraph is noncompliance with the Order.

8. Drug Use Exception

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized. Within 7 days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent's history of substance use, awareness of Respondent's Consent Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of information form(s) as required by the Board or its designee so that Respondent's medical providers shall be able to communicate information with the Board. Prior to receiving treatment from any other medical provider(s), Respondent shall notify the medical provider(s) of Respondent's history of substance use and of the existence of the Order. DURING THE COURSE OF THE ORDER RESPONDENT SHALL

CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS OF RESPONDENT'S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a controlled substance, Respondent shall cause his/her prescribing provider to provide monthly reports to the Board regarding the continued need for the prescribed narcotic or mood-altering medications within 7 days of the 30th day of each month. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Such report from the provider shall be received by the Board within 14 days of the request. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee. Failure to comply with the provisions of this paragraph shall be considered as noncompliance with terms of the Order.

9. Relapse Prevention Evaluation

Eighteen months prior to the termination of the Order or as requested by the Board or its designee, Respondent shall be evaluated by a certified relapse prevention therapist, and, if recommended by the therapist, Respondent shall enter, participate regularly and successfully complete a relapse prevention program, or any other recommendations as designated by the relapse prevention evaluator.

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the

recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board in writing verifying enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information with the Board or its designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the program. During participation in the program Respondent shall cause the program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule, for the remainder of the probationary period or verification of successful completion of the program. Failure to comply with stipulations of paragraph shall be considered as non-compliance with the Consent Agreement.

10. Notification of Practice Settings

Any settings in which Respondent accepts employment shall be provided with a copy of this Consent Agreement and Order to include the Findings of Fact, Conclusions of Law, Order and Terms of Suspension and Probation, and Exhibit A and informed of the probationary status of Respondent's license at or before the date of hire. Within ten days of Respondent's employment on probationary status, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the

employer's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Order and the program's ability to comply with the conditions of probation during clinical experiences.

11. Quarterly Reports

Within 30 days after the effective date of this Order, and quarterly thereafter, Respondent shall cause every employer Respondent has worked for during the quarter to submit to the Board, in writing, employer evaluations, on the Board-approved form. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action or termination from a place of employment shall constitute a violation of this paragraph. In the event Respondent is not employed in nursing, or attending school, during any quarter or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities, on the Board-approved form.

12. Access to Drugs

Respondent shall not administer or have access to controlled substance and/or any other potentially addictive substance, including but not limited to, Nubain and Stadol medications, at least during the first six months of her probationary status. Upon evidence of full compliance with the probationary terms the Board or its designee shall evaluate and provide written notification of Respondent's ability to administer controlled substance.

13. Practice Under Direct Supervision

Respondent shall practice as a professional nurse, only under the direct supervision of a professional nurse in good standing with the Board. Direct supervision is defined as having a professional nurse present on the same unit with the Respondent when ever Respondent is practicing as a professional/practical/student nurse. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

14. Acceptable Hours of Work

Respondent shall work only the day of evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3

consecutive 12-hour shifts during this probationary period. Failure to comply with the provisions of this paragraph shall be considered as noncompliance with the terms of the Order.

15. Out-Of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, they must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.

16. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

17. Violation of Probation

If Respondent is noncompliant with this agreement in any respect, the Board staff may notify the Respondent's employer of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this agreement after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

18. Reevaluation of Conditions

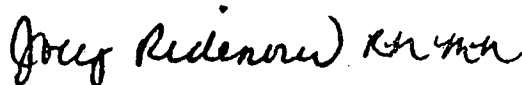
In the event Respondent does not work in nursing within two years of the effective date of this Probation, Respondent may appear before the Board for reevaluation of the probationary conditions.

19. Completion of Probation

When Respondent has nine months left in the probationary period Respondent's compliance will be reviewed by the Board's designee. If Respondent has demonstrated full compliance with all terms of the Order, Respondent will be eligible to participate in a "stepdown" component of the Order where reports from AA and Nurse Recovery Group will no longer be required, and Respondent shall submit to "on-call" urine drug screens as requested by the Board or its designee. At the end of the Probationary period, the Respondent shall request formal review by the Board, and, after formal review by the Board, Respondent's nurse license may be fully restored by the appropriate Board action if compliance with the Board Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL



Joey Ridenour, R.N., M.N.
Executive Director

Dated: April 19, 2002

JR/SB: hd

COPY mailed this 16th day of June, 2003 by First Class Mail to:

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